

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – September 5, 2006**

MEMBERS PRESENT

Kenneth Charest
Bruce Bell
Walter “Terry” Bowditch
William Dobrowolski
Joseph Herlihy
Daniel Shipley
James Murphy

MEMBERS ABSENT

OTHERS PRESENT

Andrew Black, Assistant Attorney General
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Central Conference Room

Start: 9:03 a.m.

Adjourn: 1:00 p.m.

CALL TO ORDER

The meeting was called to order at 9:03 a.m.

AGENDA MODIFICATIONS

OLD BUSINESS

Action on Minutes of August 1, 2006 Meetings

A motion was made by Walter Bowditch to approve the minutes of the August 1, 2006 meetings as written; seconded by James Murphy . Unanimous.

NEW BUSINESS

Administrator’s Report

Summary of Complaint Outcomes – July 1, 2003-June 30, 2006: Tabled to next meeting.

License Denial Hearing – Ralph R. Palmer

The Chair opened the hearing in the matter of Ralph R. Palmer. Mr. Palmer was present and not represented by counsel. Assistant Attorney General Andrew Black attended as council for the Board. Kenneth Charest was present as Hearing Officer. Public deliberations were conducted at the close of the hearing. A motion was made by Joseph Herlihy to uphold the denial of Mr. Palmer’s application to sit for the certified residential appraiser examination ; seconded by James Murphy. Unanimous.

A motion was made by James Murphy to include factual findings; seconded by Dobrowolski. Unanimous.

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Complaint Officer's Report

#REA-250: A motion was made by Daniel Shipley to amend the Consent Agreement eliminating the 30 day suspension and limiting supervision to three trainees; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#2006-REA-2760: A motion was made by Walter Bowditch that grounds exists for possible disciplinary action; seconded by James Murphy. Herlihy abstained.

A motion was made by Walter Bowditch for violation of 32 M.R.S.A. §14014(B)(G)(J); seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to offer a Consent Agreement to include: (1) admission to violations; (2) letter of reprimand; (3) \$14,570 fine; seconded by James Murphy. Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; Bell opposed; Herlihy abstained. Motion carried.

#2006-REA-2734: James Murphy recused and left the room. A motion was made by Walter Bowditch that grounds exists for possible disciplinary action; seconded by William Dobrowolski. Herlihy abstained.

A motion was made by Walter Bowditch for violation of 32 M.R.S.A. §14014(G)(I)(J); seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion Carried.

A motion was made by Walter Bowditch to offer a Consent Agreement to include: (1) admission to violations; (2) letter of reprimand; (3) 30 day license suspension; (4) successful completion within six months of a basic appraisal principles and basic appraisal procedures course with exam, not to be counted towards qualifying or continuing education; (5) not allowed to supervise trainees for a period of two years; seconded by Bruce Bell. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; Herlihy abstained. Motion carried.

Decision & Order – James Cassell (#REA-254)

A motion was made by William Dobrowolski to approve the Decision & Order as presented; seconded by James Murphy. Bell, Bowditch, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Charest and Herlihy abstained. Motion carried.

A motion was made by William Dobrowolski to deny Cassell's Request for Partial Reconsideration of the Decision; seconded by Walter Bowditch. Bell, Bowditch, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Charest and Herlihy abstained. Motion carried.

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Review and Action on Applications and Education

A motion was made by James Murphy to remove the following items from the table; seconded by William Dobrowolski. Unanimous.

TABLED APPLICATIONS		
NAME	APPLYING TO	ACTION
#1	UPGRADE FROM TRAINEE TO SIT FOR LICENSED RESIDENTIAL EXAM MIN 90 QE BAL MET = YES MIN 2000 HOURS WK EXP ON FILE = YES, BUT APPEAR TO BE EXCESSIVE 1 ST 50 ON FILE = YES	<u>09/05/2006</u> - REPORT FROM KC. MOTION BY CHAREST TO APPROVE FOR EXAM; SECONDED BY BELL. UNANIMOUS. <u>08/17/2006</u> - REC'D APPRAISALS; SENT TO KC <u>08/02/2006</u> – LETTER SENT <u>08/01/2006</u> – BD REQUESTED 3 APPRAISAL SAMPLES & WORK FILES TYPICALLY, “AP” APPLICATIONS ARE NOT REVIEWED BY THE BOARD UNLESS THERE IS AN ISSUE. THIS APPLICANT’S HOURS PER APPRAISAL SEEM EXCESSIVE GIVEN THE BOARD’S GENERAL GUIDELINE OF 8 TO 10 HOURS PER RESIDENTIAL APPRAISAL.
#2	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET = NO 75 QE HOURS ON FILE; NEEDS TO TAKE 45 MORE QE HOURS MIN 24 MONTHS EXP MET = YES, 1 ST LIC 04/04/2002 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS = 2673 HOURS ON FILE	<u>09/05/2006</u> - MOTION BY MURPHY TO TABLE; SECONDED BY BELL. UNANIMOUS. <u>09/05/2006</u> – NO ACTION; PENDING RECEIPT OF APPRAISALS <u>08/31/2006</u> – LETTER SENT REQUESTING COPIES OF APPRAISALS <u>08/17/2006</u> – LIST REC'D <u>08/03/2006</u> – LETTER SENT TO REQUEST LIST “MAJOR APPRAISALS” <u>07/11/2006</u> – NOW MEETS EDUCATION CRITERIA; NEED TO REQUEST LIST OF “MAJOR” APPRAISALS <u>06/16/2006</u> – REC'D 2 COMPLETION CERTS FOR A TTL OF 45 QE <u>06/06/2006</u> – NO CERTIFICATES YET; CONT TABLE? <u>05/02/2006</u> – TABLE TO JUNE; COURSE ENDS MAY 30TH <u>04/04/2006</u> – TABLE TO MAY <u>03/08/2006</u> – P/C W EL; SHE IS TAKING COURSES THIS SPRING; WILL SUBMIT REQUEST TO TABLE APPL TO END OF MAY??? <u>03/07/2006</u> – BD VOTED TO TABLE TO APRIL 4, 2006 <u>03/06/2006</u> – P/C TO SUPV ; MISTAKENLY TOOK MULTIPLE “CE” COURSES; REQUEST TO TABLE FOR A MONTH WHILE SHE GETS CLASSES COMPLETED
#3	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET = YES MIN 24 MONTHS EXP MET = 1 ST LIC RAT: 06/19/2002 TO 10/23/2003 AP: 10/23/2003 TO PRESENT HAS MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	<u>SEP 5, 2006</u> – NO ACTION NECESSARY <u>AUG 7, 2006</u> – END OF 180 DAY PERIOD <u>FEB 7, 2006</u> – BD D&O SIGNED; AUG 7, 2006 = @180 DAYS TO RESUBMIT <u>JAN 3, 2006</u> – APPEAL HEARING SCHEDULED FOR 10:00; APPEAL WDRAWN; GIVEN 180 DAYS TO SUBMIT ADDTNL APPRAISALS <u>JAN 3, 2006</u> – APPEAL HEARING SCHEDULED FOR 10:00 <u>NOV 04, 2005</u> – REC'D APPEAL LETTER <u>NOV 06, 2005</u> – END OF 30 DAY APPEAL PERIOD <u>OCT 07, 2005</u> – DENIAL LETTER SENT <u>OCT 4, 2005</u> – DENY §14023 2, 5; – LACK OF COMPETENCY TO CONDUCT “MAJOR” APPRAISALS; 14031 1; CHAPT 200 SECT 4B2 <u>OCT 4, 2005</u> – REPORT ON REVIEW OF APPRAISALS –SHIPLEY
#4	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM	<u>09/05/2006</u> - MOTION BY MURPHY TO TABLE; SECONDED BY DOBROWOLSKI. UNANIMOUS.

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<p>MIN 120 QE BAL MET = YES 135 QE HOURS ON FILE MIN 24 MONTHS EXP MET = YES – 1ST LIC RAT: 02/01/2000 AP: 12/23/2002 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS = NO 2110</p>	<p>09/06/2006 = 90 DAYS; TABLE TO OCTOBER MEETING???</p> <p>06/06/2006 – TABLE 90 DAYS TO ALLOW APPL OPPORTUNITY TO CONDUCT COMPLEX APPRAISALS</p> <p>05/23/2005 – REC'D LIMITED LIST</p> <p>05/02/2006 – CONT TABLE</p> <p>04/27/2006 – REQUESTED LIST OF "MAJOR" APPRAISALS</p> <p>04/11/2006 – REC'D ADDITIONAL HOURS</p> <p>04/04/2006 – CONT TABLE</p> <p>03/07/2006 – BD VOTED TO TABLE TO APRIL 4, 2006</p> <p>03/06/2006 – NOT ENOUGH WORK HOURS ON FILE; CALLED TO REQUEST ADDITIONAL HOURS; HE WILL PROVIDE; REQUEST TO TABLE TO NEXT MONTH</p>
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2007 Meeting Schedule

BOARD OF REAL ESTATE APPRAISERS 2007 MEETING SCHEDULE		
JANUARY 9, 2007	9:00	CENTRAL CONFERENCE ROOM
FEBRUARY 13, 2007	9:00	CENTRAL CONFERENCE ROOM
MARCH 13, 2007	9:00	CENTRAL CONFERENCE ROOM
APRIL 10, 2007	9:00	CENTRAL CONFERENCE ROOM
MAY 1, 2007	9:00	CENTRAL CONFERENCE ROOM
JUNE 12, 2007	9:00	CENTRAL CONFERENCE ROOM
JULY 10, 2007	9:00	CENTRAL CONFERENCE ROOM
AUGUST 14, 2007	9:00	CENTRAL CONFERENCE ROOM
SEPTEMBER 11, 2007	9:00	CENTRAL CONFERENCE ROOM
OCTOBER 8, 2007 (Monday)	9:00	CENTRAL CONFERENCE ROOM
NOVEMBER 13, 2007	9:00	CENTRAL CONFERENCE ROOM
DECEMBER 11, 2007	9:00	CENTRAL CONFERENCE ROOM

Correspondence

USPAP Q&A – August 2006: Provided for informational purposes.

Complaint Officer's Presentation to the Maine Association of Assessing Officers: A motion was made by William Dobrowolski to authorize Joseph Herlihy to speak at the meeting scheduled for September 14, 2006 in Boothbay Harbor; seconded by Daniel Shipley. Unanimous.

AARO Conference – October 14-17, 2006: A motion was made by William Dobrowolski to authorize out of state travel for Andrew Black to attend the Valuation Fraud Symposium on October 12, 2006; seconded by James Murphy. Unanimous.

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Next Meeting Scheduled for October 3, 2006

OTHER BUSINESS

ADJOURN

Being no further board business the meeting was adjourned at 1:00 p.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk